

MAR 14 2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA

Case No. 4:96-cr-30029-1

v.

DAIRUS KIOWA PERKINS,  
Petitioner.

§ 2255 ORDER

By: Hon. Jackson L. Kiser  
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED**

that petitioner's petition for a writ of audita querela (no. 209) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk shall **OPEN** a new action for this § 2255 motion; this new § 2255 motion is **DISMISSED without prejudice** as successive; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and to counsel of record for the United States.

ENTER: This 14<sup>th</sup> day of March, 2012.

*Jackson L. Kiser*  
Senior United States District Judge